

Irvin, George

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REMARKS/ARGUMENTS

Examiner has objected to the abstract as containing legal phraseology, namely, "comprising" and "means", and has required correction of same.

Applicant's response

Applicant has amended the abstract as required by Examiner.

102(b) Rejections

Examiner has rejected claim 1-3 and 20 as anticipated by Wilburn (U.S. Pat. No. 3,990,536), wherein Wilburn '536 teaches a hunting blind, comprising a floor and an enclosure entirely covering a hunter, the enclosure having a means for seating and a catalytic heater.

Applicant's response

Applicant has amended claim 1 to include an eye opening as disclosed in the figures (reference numeral 30) and at page 9, line 15, and further to clearly point out that the air within the envelope of the garment, including the head portion thereof, is heated air from the catalytic heater, as can be found in the specification at page 12, lines 11-14.

Applicant respectfully points out that Wilburn '536 is a device to entirely enclose a hunter, and essentially consists of four walls, a ceiling and a floor, and is not worn about the body. Thus, Wilburn '536 is not a garment and further lacks a head portion. Wilburn '536 further requires raising of a canopy to permit unobstructed vision, while Applicant's invention clearly permits unobstructed vision. Raising the canopy of Wilburn '536 to allow vision would permit the heated air to escape and further would render anyone inside the

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enclosure of Wilburn '536 clearly visible and subject to the elements. Thus, Wilburn '536 is neither structurally nor functionally similar to Applicant's invention.

Applicant has amended claim 20 to claim the limitation that Applicant's apparatus includes an eye opening and that the entire overgarment has heated air therein. The latter is disclosed in the drawings and is found in the specification at page 12, lines 11-14, and clearly indicates that the wearer is breathing heated air from within the overgarment.

Applicant respectfully asserts that Wilburn '536 does not disclose Applicant's invention, since Wilburn '536 teaches a device that encloses the entire body of the user leaving no portion thereof exposed, and, as such, does not permit the person enclosed thereby to have unobstructed vision without raising or removing the canopy portion thereof, which would expose the person enclosed by the Wilburn '536 device to the elements and/or render the person clearly visible.

103(a) Rejections

Examiner has rejected claims 1-7, 10, and 14-16 as unpatentable over Nakamoto et al. (U.S. Pat. No. 6,098,612) in view of Shanks et al. (U.S. Pat. No. 3,798,676)

Applicant's response

Nakamoto et al. '612 discloses a heated coat. The device of Nakamoto et al. '612 lacks a portion covering the head of the wearer, including his/her mouth and nose, yet not covering the eyes. There is no possibility for the wearer of the device of Nakamoto et al. '612 to breathe heated air.

Shanks '676 discloses a lower tubular covering that is drawn securely about the torso of the user. Shanks '676 does not disclose a means for heating within the lower tubular portion, and even if Shanks '676 had such a heated environment, there is no possibility of

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any air in such an environment being breathed, since the lower tubular portion of Shanks '676 ends at the torso, and is secured therearound. The upper portion of Shanks '676 is simply a wind screen, open at the front, and requires the wearer of the device of Shanks '676 to breathe ambient cold air.

Thus, Applicant respectfully points out that a combination of Nakamoto et al. '612 and Shanks '676 could not permit the wearer to breathe heated air within the garment, since there is no communication path for air to reach the wearer's nose or mouth, in either Nakamoto et al. '612 or Shanks '676, or in a combination thereof, without such air exiting into the ambient environment. Thus, the wearer of any combination of Nakamoto et al. '612 and/or Shanks '676 would be required to breathe ambient cold air.

Examiner has rejected claims 11-13 as unpatentable over Nakamoto et al. (U.S. Pat. No. 6,098,612) in view of Shanks et al. (U.S. Pat. No. 3,798,676) and further in view of Holly (U.S. Pat. No. 4,241,721).

Applicant's response

In view of the arguments above, wherein the device of Nakamoto et al. '612 lacks a portion covering the head of the wearer, including his/her mouth and nose, yet not covering the eyes, and wherein there is no possibility for the wearer of the device of Nakamoto et al. '612 to breathe heated air, and wherein the lower tubular covering of Shanks '676 terminates at the torso of the user and does not cover the head, and in view of the arguments and amendments to claim 1, Applicant respectfully submits that Examiner's rejection of claims 11-13, depending from claim 1, is now moot.

Examiner has rejected claims 8 and 21 as unpatentable over Nakamoto et al. (U.S. Pat. No. 6,098,612) in view of Shanks et al. (U.S. Pat. No. 3,798,676) and further in view of DeHart (U.S. Pat. No. 6,397,395).

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Applicant's response

In view of the arguments above, wherein the device of Nakamoto et al. '612 lacks a portion covering the head of the wearer, including his/her mouth and nose, yet not covering the eyes, and wherein there is no possibility for the wearer of the device of Nakamoto et al. '612 to breathe heated air, and wherein the lower tubular covering of Shanks '676 terminates at the torso of the user and does not cover the head, and in view of the arguments and amendments to claim 1, Applicant respectfully submits that Examiner's rejection of claims 8 and 21, depending from claim 1, is now moot.

Examiner has rejected claim 17 as unpatentable over Nakamoto et al. (U.S. Pat. No. 6,098,612) in view of Dodson (U.S. Pat. Appl. No. 2003/0057018).

Applicant's response

In view of the arguments above, wherein the device of Nakamoto et al. '612 lacks a portion covering the head of the wearer, including his/her mouth and nose, yet not covering the eyes, and wherein there is no possibility for the wearer of the device of Nakamoto et al. '612 to breathe heated air, and in view of the arguments and amendments to claim 1, Applicant respectfully submits that Examiner's rejection of claim 17, depending from claim 1, is now moot.

CONCLUSION

Amendments are as to form only. No new matter has been added. Applicant believes that Independent claims 1 and 20 are in condition for allowance, and, as such, Examiner's rejection of claims depending from claims 1 and 20 is now moot. Applicant respectfully believes the present application is now in condition for allowance and requests reconsideration thereof. If Examiner disagrees with Applicant's position and would like to

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receive further clarifying explanations of the significance of Applicant's invention, it is respectfully requested that Applicant be granted a telephone interview with Examiner.

Otherwise, should the Examiner have any questions regarding this submission, he is invited to contact the undersigned counsel at the telephone number below.

Respectfully submitted, this 26th day of April, 2005,



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